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Attorney for Defendant,
WILLIAM HEIDER

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

EDWARD SAMADANI, formerly known as
VARGHA SAMADANI,

Plaintiff,

vs.

WILLIAM HEIDER, an individual;
ENTERPRISE LEASING COMPANY-
WEST, LLC d/b/a ALAMO; DOES I through
X, inclusive; ROE CORPORATIONS I
through X, inclusive,

Defendants.

CASE NO.: 2:19-cv-

NOTICE OF REMOVAL

COMES NOW, Defendant, William Heider, and hereby files this Notice of Removal of the above-described action to the United States District Court for the District of Nevada, from the District Court of Clark County, where the action is now pending as provided by Title 28, U.S. Code, Chapter 1441 and states:

1. The above-entitled action was commenced in the District Court of Clark County, State of Nevada and is now pending in that court. Process was served on Defendant, William Heider, on May 4, 2019.

...

1 2. The action is a civil action for claims for damages resulting from a motor vehicle
2 accident, which occurred on or about January 18, 2017.

3 3. Plaintiff's Complaint alleges Causes of Action for Negligence, Negligence Per Se
4 and Negligent Entrustment. Plaintiff is seeking general, special and punitive damages in an
5 amount in excess of \$15,000.00. Removal was sought because of the diversity of the parties and
6 the amount being demanded is over \$75,000.

7 4. The United States District Court for the District of Nevada has jurisdiction by
8 reason of diversity of citizenship of the parties. Plaintiff, Edward Samadani, has represented he
9 is a resident of Nevada. Defendant William Heider is a resident of Illinois. Defendant
10 Enterprise Leasing Company-West, LLC dba Alamo, is now and at the time the state action was
11 commenced incorporated in the State of Delaware. No change of citizenship of parties has
12 occurred since the commencement of the action.

13 5. A copy of all process, pleadings, and orders served upon Defendant is filed with
14 this notice as Exhibit "A" pursuant to 28 U.S.C. § 1446(a).

15 6. Defendant will give written notice of the filing of this notice as required by 28
16 U.S.C. § 1446(d).

17 7. A copy of this notice will be filed with the Clerk of the District Court for Clark
18 County as required by 28 U.S.C. § 1446(d).

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1 WHEREFORE, Defendant William Heider hereby requests that this action proceed in
2 this Court as an action properly removed to it.

3 DATED this 28th day of May, 2019.

4
5 PYATT SILVESTRI

6 /s/Brian W. Goldman, Esq.

7 JAMES P. C. SILVESTRI, ESQ.

8 Nevada Bar No. 3603

9 Brian W. Goldman, Esq.

10 Nevada Bar No. 6317

11 701 Bridger Ave., Suite 600

12 Las Vegas, NV 89101

13 Attorney for Defendant,

14 *WILLIAM HEIDER*

CERTIFICATE OF SERVICE


I HEREBY CERTIFY that a copy of the foregoing **NOTICE OF REMOVAL** was deposited in the United States Mail at Las Vegas, Nevada, postage fully prepaid, this 28th day of May, 2019.

Dan J. Lovell, Esq.
EMPIRE LAW GROUP
1212 South Casino Center Blvd.
Las Vegas, NV 89104
dan@empirelawgroup.com
Attorneys for Plaintiff,
EDWARD SAMADANI
fka VARGHA SAMADANI

/s/ Susan Clokey
An Employee of PYATT SILVESTRI

EXHIBIT “A”

Electronically Filed
5/13/2019 1:51 PM
Steven D. Grierson
CLERK OF THE COURT



AOS

DAN J. LOVELL, ESQ.
Nevada Bar No. 9618
Empire Law Group
1212 S. Casino Center Blvd.
Las Vegas, Nevada 89104
T: 702-512-7777 / F: 702-512-8888
E: dan@lvtitigation.com
Attorneys for Plaintiff

**DISTRICT COURT
CLARK COUNTY, NEVADA**

EDWARD SAMADANI, formerly known as
VARGHA SAMADANI, an individual,

Plaintiff,

vs.

WILLIAM HEIDER, an individual;
ENTERPRISE LEASING COMPANY-
WEST, LLC d/b/a ALAMO; DOES I through
X; and ROE CORPORATIONS, I through X,
inclusive,

Defendant(s).

CASE NO.: A-19-787730-C
DEPT.NO.: IV

**AFFIDAVIT OF SERVICE
OF WILLIAM HEIDER**

Service of Defendant, WILLIAM HEIDER was perfected on May 4, 2019, by Process
Server, Jerome Paul, Illinois license number 129-374621, by personally placing a copy of the
Summons and Complaint, in the instant matter, directly into Defendant, William Heider's hands,
at defendant's dwelling house or usual place of abode, 3729 Arthur Avenue, Brookfield, Illinois.
N.R.C.P. 4(c).

EMPIRE LAW GROUP
/s/ Dan J. Lovell
Dan J. Lovell, Esq.
1212 S. Casino Center Blvd.
Las Vegas, Nevada 89104
T: 702-512-7777
Attorney for Plaintiff

CC AFFIDAVIT OF SPECIAL PROCESS SERVER

19-050514

COUNTY OF CLARK
STATE OF NEVADA

EDWARD SAMADANI ET AL

VS

CASE NO.A-19-787730-C

WILLIAM HEIDER ET AL

JEROME PAUL Being first duly sworn on oath deposes and says that
he is not a party to this action and is authorized to serve Process in the State
of ILLINOIS .

That he served the within SUMMONS-CIVIL
COMPLAINT

By leaving a copy with the within named Defendant
WILLIAM HEIDER
personally on 05/04/2019.

The Sex, Race and Approximate Age of the person with whom he left the documents
were as follows:

Sex: MALE 5'08"

Race: WHITE 200

Age: 45

The place and time of day where the documents were served was as follows:

Place: 3729 ARTHUR AVENUE
BROOKFIELD, IL

Time: 9:20AM

Signed and Sworn to Before me
this 4th day of May, 2019.
ANNA ZIEMANN
NOTARY PUBLIC, STATE OF ILLINOIS
My Commission Expires Feb 3, 2020

Notary Public


Process Server 129-374621

Electronically Filed
1/16/2019 3:33 PM
Steven D. Grierson
CLERK OF THE COURT



COMP

Dan J. Lovell, Esq.
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E: dan@empirelawgroup.com
Attorney for Plaintiff *Edward Samadani*

**DISTRICT COURT
CLARK COUNTY, NEVADA**

EDWARD SAMADANI, formerly known as
VARGHA SAMADANI, an individual,

Plaintiff,

vs.

WILLIAM HEIDER, an individual;
ENTERPRISE LEASING COMPANY-
WEST, LLC d/b/a ALAMO; DOES I through
X; and ROE CORPORATIONS, I through X,
inclusive,

Defendants.

CASE NO.: A-19-787730-C

DEPT.NO.:

Department 4

ARBITRATION EXEMPT

**PURSUANT TO NAR 3(A)
(AMOUNT IN CONTROVERSY
EXCEEDS \$50,000)**

COMPLAINT

COMES NOW Plaintiff, EDWARD SAMADANI, f/n/a VARGHA SAMADANI, by and
through his attorney, Dan J. Lovell, Esq., of the law firm Empire Law Group, and for his causes
of action alleges as follows:

PARTIES, JURISDICTION, AND VENUE

1. That all times mentioned herein, Plaintiff EDWARD SAMADANI, formerly
known as VARGHA SAMADANI, ("Plaintiff") was a resident of Clark County, Nevada.

2. That at all times mentioned herein, upon information and belief, Defendant
WILLIAM HEIDER ("Heider") was a resident of the State of Illinois.

1 3. That at all times mentioned herein, upon information and belief, Defendant
2 ENTERPRISE LEASING COMPANY-WEST, LLC d/b/a ALAMO ("Enterprise") is and was a
3 Delaware corporation duly licensed to do business under the laws of the State of Nevada, and in
4 fact doing business in Clark County, Nevada, and the owner of the vehicle driven by Defendant
5 Heider involved in the subject accident described herein.
6

7 4. That the true names or capacities, whether individual, corporate, associate, or
8 otherwise, of Defendants, DOES I through X, inclusive, are presently unknown to Plaintiff who,
9 therefore, sues said Defendants by such fictitious names; Plaintiff is informed and believes and
10 thereon alleges that each Defendant designated herein as DOE is responsible in some manner for
11 the events and happenings which proximately caused damages to Plaintiff as herein alleged.
12 Plaintiff will ask leave of this Court to amend the instant complaint to insert the true names and
13 capacities of DOES I through X, inclusive, when the same has been ascertained and to join such
14 Defendants in this action.
15

16 5. The true names or capacities, whether individual, corporate, associate or
17 otherwise, of Defendants, ROE CORPORATIONS I through X, inclusive, are presently unknown
18 to Plaintiff who, therefore, sues said Defendants by such fictitious names; Plaintiff is informed
19 and believes and thereon alleges that each Defendant designated herein as ROE Corporations is
20 responsible in some manner for the events and happenings which proximately caused damages to
21 Plaintiff as herein alleged. Plaintiff will ask leave of this Court to amend the instant complaint to
22 insert the true names and capacities of ROE CORPORATIONS I through X, inclusive, when the
23 same has been ascertained and to join such Defendants in this action.
24

25 6. That all the facts and circumstances that give rise to the subject lawsuit occurred
26 on Cameron Street near the Orleans Casino in Clark County, Nevada.
27
28

1 7. This court has jurisdiction in this action and the venue is properly set in the Eighth
2 Judicial District Court for the State of Nevada.

3 **GENERAL ALLEGATIONS COMMON TO ALL CAUSES OF ACTION**

4 8. At all times relevant herein, Plaintiff was the owner and operator of a 2010 Porsche
5 Panamera, which was involved in the accident described herein.

6 9. At all times relevant herein, Defendant Heider was the operator of a 2015 Ford
7 Focus, which was involved in the accident described herein.

8 10. Upon information and belief, on January 18, 2017, Defendant Heider was under
9 the influence of alcohol and/or other substances that negatively impaired his ability to drive in a
10 safe, responsible, and lawful manner, thereby contributing and/or causing the accident with
11 Plaintiff.

12 11. At all times relevant herein, Defendant Enterprise was the lawful owner of the
13 2015 Ford Focus operated by Defendant Heider and involved in the accident described herein.

14 12. On January 18, 2017, Plaintiff was a properly restrained driver traveling
15 northbound on Cameron Street in Las Vegas, Nevada. Defendant Heider drove his vehicle from
16 a private drive (the Orleans Casino) onto Cameron Street. Defendant Heider, while impaired,
17 negligently failed to yield the right of way and failed to use due care, thereby causing the left
18 front of Defendants' vehicle to collide with the right front of Plaintiff's vehicle.

19 13. Defendant Enterprise negligently entrusted the subject vehicle to Defendant
20 Heider without properly investigating as to whether he was a safe, responsible, and/or lawful
21 driver.

22 14. Defendant Enterprise knew and/or should have known that Defendant Heider was
23 an unsafe driver.
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1 15. Plaintiff was seriously injured, caused to suffer great pain of body and mind, and
2 suffered damages in excess of \$15,000.00 as a direct and proximate result of Defendants'
3 negligence.

4 16. As a direct and proximate result of Defendants' negligence, Plaintiff has been
5 required to and has limited his occupational and recreational activities, which caused a loss of
6 earning capacity, lost wages, physical impairment, mental anguish, and loss of enjoyment of life
7 in a presently unascertainable amount.

8 17. Defendant Heider had knowledge of the probable harmful consequences of driving
9 a motor vehicle while impaired, yet willfully and deliberately failed to act to avoid those
10 consequences. As such, Defendant Heider is guilty of implied malice and oppression for his
11 conduct which he engaged in with a conscious disregard for the rights or safety of others,
12 including Plaintiff. Plaintiff is therefore entitled to an award of exemplary and punitive damages
13 against Defendants in an amount in excess of \$15,000.00.

14 18. As a direct and proximate result of Defendants' negligence, Plaintiff's property
15 was damaged in an amount in excess of \$15,000.00.

16 19. Plaintiff has been forced to retain an attorney to prosecute this matter and is
17 entitled to reasonable costs and attorney's fees as provided by Nevada law.

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22 **FIRST CAUSE OF ACTION**

23 **(Negligence)**
24 **(Defendant Heider)**

25 20. Plaintiff repeats, realleges, and incorporates herein the allegations in the preceding
26 Paragraphs of this Complaint as though fully set forth herein.

27 21. Defendant Heider owed a duty of care to Plaintiff to drive in a safe, responsible,
28 and lawful manner.

1 22. On January 18, 2017, Heider breached that duty when he failed to yield the right
2 of way, thereby causing the left front of Defendants' vehicle to collide with the right front of
3 Plaintiff's vehicle in an unsafe, irresponsible, and unlawful manner.

4 23. On January 18, 2017, upon information and belief, Heider also breached his duty
5 of care to Plaintiff when he operated his motor vehicle while under the influence of alcohol and/or
6 another substance, thereby negatively impairing his ability to drive in a safe, responsible, and
7 lawful manner.

8
9 24. Defendant Heider's breach of duty of care was the legal and proximate cause of
10 the Plaintiff's injuries and losses.

11 25. Plaintiff has suffered damages in excess of \$15,000.00 as a direct and proximate
12 result of Defendants' negligent actions and behavior.

13
14 26. Plaintiff is entitled to an award of exemplary and punitive damages against
15 Defendants in an amount in excess of \$15,000.00.

16 27. Plaintiff has been forced to retain an attorney to prosecute this matter and is
17 entitled to reasonable costs and attorney's fees as provided by Nevada law.

18
19 **SECOND CAUSE OF ACTION**

20 **(Negligence Per Se)**
21 **(Defendant Heider)**

22 28. Plaintiff repeats, realleges, and incorporates herein the allegations in the preceding
23 Paragraphs of this Complaint as though fully set forth herein.

24 29. Pursuant to NRS 484B.260 and 484B.263, the driver of a vehicle about to enter,
25 exit, or cross a highway from a private way shall yield the right of way to all vehicles approaching
26 on such highway whose proximity constitutes an immediate hazard and shall continue to yield
27 the right of way to that traffic until the driver may proceed with reasonable safety.
28

1 30. Pursuant to NRS 484B.603, Defendant owed a duty to Plaintiff to decrease speed
2 to avoid colliding with any person, vehicle, or other conveyance.

3 31. Pursuant to multiple statutes contained in Chapter 484C, including NRS 484C.110,
4 Defendant owed a duty to Plaintiff to avoid driving or being in actual physical control of a motor
5 vehicle while under the influence of alcohol and/or drugs.

6 32. Plaintiff is within the class of persons intended to be protected by the statutes,
7 laws, and/or ordinances violated by Defendant and the injuries suffered by Plaintiff were the type
8 against which such statutes, laws, and/or ordinances of the State of Nevada, County of Clark,
9 and/or City of Las Vegas were intended to protect, thereby rendering Defendant liable for the
10 subject collision and Plaintiff's resulting damages based on negligence per se.
11

12 33. On January 18, 2017, Defendant breached the duties under the above-mentioned
13 statutes when he failed to yield to Plaintiff's vehicle and failed to avoid the collision with
14 Plaintiff's vehicle.
15

16 34. Defendant's breach of Nevada statutes was the legal and proximate cause of
17 Plaintiff's injuries and losses.
18

19 35. Plaintiff has suffered damages in excess of \$15,000.00 as a direct and proximate
20 result of Defendant's negligent actions and behavior.

21 36. Plaintiff has been forced to retain an attorney to prosecute this matter and is
22 entitled to reasonable costs and attorney's fees as provided by Nevada law.
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THIRD CAUSE OF ACTION

**(Negligence Entrustment)
(Defendant Enterprise)**

37. Plaintiff repeats, realleges, and incorporates herein the allegations in the preceding Paragraphs of this Complaint as though fully set forth herein.

38. Defendant Enterprise willingly entrusted its vehicle to Defendant Heider.

39. Defendant Enterprise knew or should have known that such entrustment to Defendant Heider was negligent.

40. Defendant Heider subsequently failed to drive safely and/or failed to comply with Nevada traffic laws.

41. Defendant Enterprise owed Plaintiff a duty of ordinary care to entrust the use and possession of its motor vehicle to a careful and responsible driver.

42. Defendant Enterprise subsequently breached its duty of ordinary care by negligently entrusting the use and possession of its automobile to Defendant Heider.

43. Plaintiff has suffered damages in excess of \$15,000.00 as a direct and proximate result of Defendant's negligent actions and behavior.

44. Plaintiff has been forced to retain an attorney to prosecute this matter and is entitled to reasonable costs and attorney's fees as provided by Nevada law.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff VARGHA SAMADANI prays for relief and judgment against all Defendants as follows:

1. For general damages in an amount in excess of \$15,000.00;
2. For special damages for medical and incidental expenses incurred and to be incurred in excess of \$15,0000.00;

3. For special damages for lost earnings and earning capacity;
4. For punitive damages in an amount in excess of \$15,000.00;
5. For reasonable attorney's fees as provided by Nevada law;
6. For costs of suit herein;
7. For interest at the statutory rate; and,
8. For any such other relief this court deems appropriate.

Dated this 16 day of January, 2019.

EMPIRE LAW GROUP



Dan J. Lovell, Esq.
Nevada Bar No. 9618
1212 S. Casino Center Blvd.
Las Vegas, Nevada 89104
T: 702-512-7777
Attorney for Plaintiff *Edward Samadani*